

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI

SUSAN Y. PARSONS

PLAINTIFF

V.

CIVIL ACTION NO. 3:18-cv-223-MPM-RP

UNUM LIFE INSURANCE COMPANY OF AMERICA, et al.

DEFENDANTS

CASE MANAGEMENT ORDER

The undersigned conducted a case management conference with counsel for the parties on this date. This order, including all deadlines, has been established with the participation of all parties and can be modified only by order of the court on a showing of good cause.

Therefore, it is ORDERED as follows:

1. It appearing that the insurance policy at issue in this case is an “employee welfare benefit plan” under the Employee Retirement Income Security Act, 29 U.S.C. § 1001, *et seq.* (ERISA), the court finds this case is governed by that Act. *See Pilot Life Insurance Company v. Dedeaux*, 481 U.S. 41, 57, 107 S.Ct. 1549, 95 L.Ed.2d 39 (1987) (holding state law contract and tort claims asserting improper processing of claim for benefits under ERISA-regulated plan are preempted by federal law); *Aetna Health Inc. v. Davila*, 542 U.S. 200, 209 124 S.Ct. 2488, 159 L.Ed.2d 312 (2004) (holding ERISA preemption converts state common law complaint into removable federal claim). As such, the decision will be based on the administrative record and the parties’ motions for judgment on the record. The parties have made their initial disclosures. No further discovery will be permitted unless specifically authorized by the court.

2. This case is set for non-jury trial beginning on January 13, 2020 at 9:40 a.m. in Oxford, Mississippi before United States District Judge Michael Mills.

3. The pretrial conference is set on December 12, 2019 at 2:00 p.m. in Oxford, Mississippi before United States Magistrate Judge Roy Percy.

4. Motions for joinder of parties or amendments to the pleadings must be filed by January 14, 2019.

5. Defendants must electronically file the administrative record on or before December 20, 2019. Plaintiff will have until January 21, 2019 to file any objections to the completeness or contents of the administrative record as filed by Defendants.

6. Any motion for leave to designate an expert witness and/or to present evidence outside the administrative record must be filed by April 1, 2019.

7. All dispositive motions must be filed by August 12, 2019; responses must be filed by September 12, 2019; and any replies must be filed by September 26, 2019.

8. A settlement conference with the undersigned magistrate judge is set for April 2, 2019 at 1:00 p.m. in Oxford, Mississippi.

SO ORDERED, this the 13<sup>th</sup> day of December, 2018.

/s/ Roy Percy

UNITED STATES MAGISTRATE JUDGE